Information No. 1211-998-20-1999-00

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

DOMINIC CARRASCO

T R I A L
P R O C E E D I N G S
(Excerpt: Reasons for Judgment)

BEFORE THE HONOURABLE JUSTICE A.D. COOPER
on Wednesday, July 28, 2021
at MILTON, Ontario

INFORMATION CONTAINED HEREIN
IS PROHIBITED FROM PUBLICATION PURSUANT TO
Section 486.4(1) C.C.C.
THE ORDER OF JUSTICE OF THE PEACE P. MACPHAIL
Ontario Court of Justice
DATED September 3, 2020

BY TELECONFERENCE OR VIDEOCONFERENCE DUE TO COVID-19

APPEARANCES

A. Khoorshed	Counsel for Provincial Crown
M. Gourlay	Counsel for Mr. Dominic Carrasco
S. Strban	Counsel for Mr. Dominic Carrasco

The evidence of Jean MacDonald is crucial in this case. She was very credible and gave her evidence in a very convincing manner. Her evidence was not diminished or contradicted in any way in cross-examination by the Crown.

The topic of Ms. [redacted]'s husband complaining to her of bruising on his wife's ribcage was not even raised in cross-examination. And, surprisingly, the husband of [redacted] was not called by the Crown in rebuttal. I, therefore, accept her evidence at its highest.

The complaint made to her, by her husband of the complainant to Jean MacDonald, was the first one made and the husband clearly saw bruising on his wife's ribcage, which would have called for an explanation. And yet, in her evidence, [redacted] said she had no bruising after the massage. [redacted] This alone makes me skeptical of her reliability as a witness.

I find all the evidence of the Crown and Defence witnesses to be believable, except that of Ms. [redacted].

Regrettably, I must conclude that it would appear that she had to come up with an explanation to her husband for the bruising on her rib cage and she decided to lay a false claim of sexual assault against Dominic Carrasco.

Mr. Carrasco was a very credible witness and impressed me as an extremely competent and professional massage therapist. I am sure that this allegation has been extremely harmful to his professional reputation established over 27 years. He had treated sensitive areas of the complainant many times without incident. [redacted] I accept his evidence without reservation.

He is found not guilty of the charge before this court.

...MATTER COMPLETED

CERTIFICATION

I, Beth L. Gosselin, verify that this document is a true and accurate transcript to the best of my skill and ability from the recording supplied in the matter of *R. v. Dominic CARRASCO*, held on July 28, 2021 at 2021 Plains Road East, in BURLINGTON, Ontario. Produced from file number 1213-13-20210728-091745-6-COOPERA.*dcr* which was certified in written Form 1 by S. Persaud.

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LEGEND

Pursuant to directive issued by Court Reporting Services December 15, 2010

[sic]	Indicates preceding word has been reproduced *verbatim* and is not a typographical error but is a spoken error.
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